

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Carlie G. Butts,	)	C/A No. 0:11-01765-JFA-PJG
	)	
Petitioner,	)	
	)	
vs.	)	
	)	
State of South Carolina,	)	<b>ORDER</b>
	)	
Respondent.	)	

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This is an action seeking habeas corpus relief under 28 U.S.C. § 2254. Under Local Civil Rule 73.02(B)(2) of the United States District Court for the District of South Carolina, pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

Petitioner has requested to proceed without prepaying the filing fee by filing a document entitled Application for In Forma Pauperis Status, which is construed as a Motion to Proceed *in forma pauperis*. Based on a review of the Motion, Petitioner's request to proceed *in forma pauperis* is **granted**.

Petitioner also requests appointment of counsel in this case. (ECF No. 1 at 5.) There is no right to appointed counsel in habeas cases. See *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Hunt v. Nuth*, 57 F.3d 1327, 1340 (4th Cir. 1995). Attorneys may be appointed for a person "seeking relief under section 2241, 2254, or 2255 of title 28" when "the court determines that the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B). Counsel may be appointed when counsel is necessary for effective discovery and must be appointed when evidentiary hearings are required. See Rules Governing § 2254 Cases, Rules 6(a) & 8(c), 28 U.S.C. foll. § 2254. At this time, no evidentiary hearing is required in this case and the questions presented are not so complex as to require an attorney to effectively argue them for the Petitioner. Accordingly, the Petitioner's request for counsel to be appointed under the Criminal Justice Act, 18 U.S.C. § 3006A(a)(2)(B), is denied.

**TO THE CLERK OF COURT:**

The Clerk of Court shall not serve the § 2254 Petition upon Respondent because the Petition is subject to dismissal.

The Clerk of Court shall not enter any change of address submitted by Petitioner which directs that mail be sent to a person other than Petitioner unless that person is an attorney admitted to practice before this Court who has entered a formal appearance.

**TO PETITIONER:**

Petitioner must place the Civil Action Number (C/A No. 0:11-01765-JFA-PJG) listed above on any document filed in this case. **Any future filings in this case must be sent to (901 Richland Street, Columbia, South Carolina 29201).** All documents requiring Petitioner's signature shall be signed with Petitioner's full legal name written in Petitioner's own handwriting. *Pro se* litigants shall *not* use the "s/typed name" format used in the Electronic Case Filing System. In all future filings with this Court, Petitioner is directed to use letter-sized (8½ inches x 11 inches) paper only, to write or type text on one side of a sheet of paper only and not to write or type on both sides of any sheet of paper. Petitioner is further instructed not to write to the edge of the paper, but to maintain one inch margins on the top, bottom, and sides of each paper submitted.

Petitioner is a *pro se* litigant. Petitioner's attention is directed to the following important notice:

You are ordered to always keep the Clerk of Court advised **in writing (901 Richland Street, Columbia, South Carolina 29201)** if your address changes for any reason, so as to assure that Orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this Order, you fail to meet a deadline set by this Court, **your case may be dismissed for violating this Order.** Therefore, if you have a change of address before this case is ended, you must comply with this Order by immediately advising the Clerk of Court in writing of such change of address and providing the Court with the docket number of all pending cases you have filed with this Court. Your failure to do so will not be excused by the Court.

**IT IS SO ORDERED.**

  
Paige J. Gossett  
UNITED STATES MAGISTRATE JUDGE

August 23, 2011  
Columbia, South Carolina